

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEREMY PINSON,

Plaintiff

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants

Civil No. 3:16-cv-1232

(Judge Mariani)

ORDER

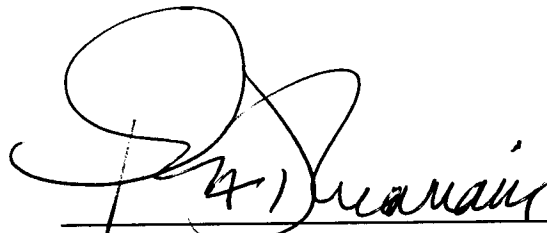
AND NOW, this 18th day of September, 2019, upon consideration of

Defendants' motion (Doc. 64) to dismiss and for summary judgment, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 64) for summary judgment is **GRANTED** as follows:
 - a. The motion is **GRANTED** on the ground that Plaintiff did not properly exhaust administrative remedies with respect to the *Bivens* claims before filing suit.
 - b. The Clerk of Court is directed to **ENTER** judgment in favor of Defendants Valencik, Oddo, and Heath as to the *Bivens* claims.
2. The motion (Doc. 64) to dismiss is **GRANTED** as follows:
 - a. Defendants Oddo and Santana are **DISMISSED** from the *Bivens* action for lack of personal involvement.
 - b. Defendants Cozza-Rhodes and Santana are **DISMISSED** from the *Bivens* action for lack of jurisdiction.
 - c. The FTCA claim against the United States is **DISMISSED** on the

ground that Plaintiff did not properly exhaust administrative tort claim remedies before filing suit.

3. The Clerk of Court is directed to **CLOSE** this action.
4. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

A handwritten signature in black ink, appearing to read "R. D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge